IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Bail Appl..No. 1773 of 2007()

CRIME NO.82 OF 2007 OF PEERUMADE POLICE STATION).

PETITIONERS/ACCUSED

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1. MURALI, AGED 36 YEARS,
   S/O.CHINNASWAMY, PAZHAYA CHANTHA,
   WAGAMON P.O.

2. EDISON, AGED 26 YEARS, S/O.RAJU,
   ROOBY VILASOM, PARAKKATTU, WAGAMON.

3. EBI, AGED 20 YEARS, S/O.JOHNRAJ,
   DAVID BHAVAN, PARAKKATTU, WAGAMON.

4. JOHN THALIYATH, AGED 33 YEARS,
   S/O.JOHNSON, KALLUKKATTU, PARAKKATTU,
   WAGAMON.

5. RAJESH, AGED 27 YEARS, S/O.RAJENDRAN,
   VARIYANIYIL VEEDU, PARAKKATTU, WAGAMON.

6. ANEESH, AGED 24 YEARS, S/O.JOHNRAJ,
   DAVID BHAVAN, PARAKKATTU WAGAMON.

7. LORANZ, AGED 36 YEARS, S/O.NESAMON,
   RAMYA BHAVAN, PARAKKATTU, WAGAMON.

8. SIVAN, AGED 33 YEARS, S/O.CHELLAPPAN,
   PARAKKATTU, WAGAMON.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA,
(REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 1773 of 2007

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Dated, this the 3rd day of April 2007

ORDER

Petitioners were accused Nos. 1 to 8 Crime No.82 of 2007 of Peerumedu Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324, 326, 307 and 427 read with Section 149 I.P.C. seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The learned counsel for the petitioner made the following submissions before me in support of the request for anticipatory bail:-

There was a dispute between the de facto complainant Dileep Kumar and one of the petitioners regarding the collision of a vehicle. The de facto complainant and his henchmen destroying the vehicle given by the 8th accused and a crime has been registered against Dileep Kumar and 11 others. Infuriated by the above, Dileep Kumar and his henchmen armed with deadly weapons trespassed into the house of the 8th accused and manhandled his sister. Another crime was registered by the Peerumedu police against Dileep Kumar and four other as Crime

No. 87 of 2007 for offences punishable under Sections 451, 395 and 506 (i) I.P.C. The petitioners have come to understand that it was while escaping from the house of the 8th accused on a motor cycle that the de facto complainant Dileep Kumar fell down from the motor cycle and sustained injuries.

4. It is too early to accept the above contentions made on behalf of the petitioners. What the investigation files reveal is the following:

On 13-3-2007, the sand lorry of the 8th accused had hit on the Jeep driven by one Stanley belonging to CPI (M),. This resulted in a commotion and push and pull and CPI (M) workers by one T.G. Rajeev caused damage to the lorry. On the same day, the petitioners herein criminally trespassed into the room of one Kannan in the estate quarters and assaulted Kannan's wife Susheela. It was thereafter that the present occurrence took place at 10 p.m. on 13-1-2007. The petitioners are alleged to have found themselves in an unlawful assembly armed with deadly weapons and they blocked the autorickshaw of the de facto complainant and petitioners 1 and 2 pushed the de facto complainant down along with the motor cycle. The first petitioner struck the complainant behind his right ear with an iron rod. the

first petitioner again struck him with the iron rod resulting in fracture of his hand. The second petitioner hit him with a stick on the left ear and head. The 3rd petitioner struck him on the back with an iron rod. The rest of the petitioners fisted, beat and kicked him.

5. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioners surrender before the Magistrate and file an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

This bail application is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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